

AMENDED IN SENATE AUGUST 21, 2006

AMENDED IN SENATE AUGUST 7, 2006

AMENDED IN SENATE MAY 10, 2006

AMENDED IN SENATE JULY 6, 2005

AMENDED IN SENATE JUNE 23, 2005

AMENDED IN ASSEMBLY APRIL 18, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 409**

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**Introduced by Assembly Member Yee**

February 15, 2005

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An act to add Section 7403.2 to the Business and Professions Code, relating to barbering and cosmetology, and declaring the urgency thereof, to take effect immediately.

### LEGISLATIVE COUNSEL'S DIGEST

AB 409, as amended, Yee. Disciplinary actions: suspension.

Existing law, the Barbering and Cosmetology Act, provides for the licensure and regulation of cosmetologists, barbers, estheticians, manicurists, and electrologists by, until July 1, 2007, the State Board of Barbering and Cosmetology. Under the act, the board may revoke or suspend a license it has issued and it may assess an administrative fine for a violation of the act or of a rule or regulation adopted by the board pursuant to the act.

This bill would authorize the board's executive officer, or his or her designee, to suspend without a hearing a license issued by the board if required to protect the public's health and safety. The bill would

immediately stay the suspension and place the license on probation for one year, subject to specified terms and conditions. The bill would provide the licensee with appeal rights to the disciplinary review committee established by the board and would require the board to reinstate the license upon the licensee's completion of all probationary terms and conditions.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 7403.2 is added to the Business and  
2 Professions Code, to read:

3 7403.2. (a) Notwithstanding any other provision of law, the  
4 executive officer or his or her designee, pursuant to an inspection  
5 of an establishment where health and safety laws and regulations  
6 *related to manicure and pedicure equipment* have been violated  
7 and a citation issued, may, without advance hearing, suspend  
8 temporarily a license issued under this chapter if, in the opinion  
9 of the executive officer or his or her designee, the action is  
10 necessary to protect the public's health and safety. The  
11 suspension shall be effective upon the executive officer or his or  
12 her designee providing written notice of the suspension to the  
13 licensee.

14 (b) The suspension of a license pursuant to this section shall  
15 be immediately stayed. The license shall be placed on probation  
16 for one year from the date of the suspension and be subject to the  
17 following terms and conditions:

18 (1) The licensee shall undertake board-approved remedial  
19 training related to the health and safety laws *and regulations*  
20 applicable to the establishment.

21 (2) The licensee shall be subject to reinspection by the board.  
22 The owner of the establishment shall pay all costs of inspection.

23 (3) The licensee shall pay all citation fines to the board. In  
24 cases of economic hardship, the licensee may enter into an  
25 agreement with the board to make periodic payments to pay the  
26 citation fine amount.

1 (c) The licensee whose license was suspended under this  
2 section may appeal in writing to the disciplinary review  
3 committee to determine if the suspension and the probationary  
4 terms and conditions should be modified or set aside. The appeal  
5 shall be submitted to the committee within 30 days of the  
6 effective date of the license suspension. An appeal not submitted  
7 within that timeframe shall be rejected by the committee. The  
8 appeal shall be conducted pursuant to the process described in  
9 Section 7410. The licensee may appeal the decision of the  
10 committee to the program administrator pursuant to the process  
11 described in Section 7411.

12 (d) If the licensee fails to comply with the probationary terms  
13 and conditions imposed under this section, the board may  
14 petition to revoke the licensee's probation. The proceedings shall  
15 be conducted in accordance with Chapter 5 (commencing with  
16 Section 11500) of Part 1 of Division 3 of Title 2 of the  
17 Government Code.

18 (e) Upon the licensee's successful completion of the  
19 probationary terms and conditions, the board shall reinstate the  
20 license.

21 SEC. 2. This act is an urgency statute necessary for the  
22 immediate preservation of the public peace, health, or safety  
23 within the meaning of Article IV of the Constitution and shall go  
24 into immediate effect. The facts constituting the necessity are:

25 In order to provide authority to the State Board of Barbering  
26 and Cosmetology at the earliest possible time to take immediate  
27 action to protect the public's health and safety, it is necessary  
28 that this act take effect immediately.